

### DETAILED ACTION

1. This is the initial Office Action based on the 10/538610 application filed on June 10, 2005. Claims 1-10, as a 371 of PCT/IB03/05637 filed on 12/01/2003 is foreign application (EPO) 02102742.0 filed on 12/12/2002, are currently pending and have been considered below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,693,902 issued to Geoffrey Calvin Hufford et al. (hereinafter Hufford); in view of US 2004/0001081 A1 published by David J. Marsh (hereinafter Marsh) .

**Regarding claim 1.** Fig. 1 of Hufford illustrates "a system 10] " contains audio block sequence compiler [16] "for generating sequences of audio or video contents (A . . . I)"[19], the system 10 comprises "a memory or access facilities [14] for providing contents (A . . . I)[24]" at a user interface [17], user selects a segment from [24] in [14] that is communicated to [16] "with additional data being provided together with the contents (A . . . I)", under control of a software program running on PC [12] is executed by processor [13]; "selection means (20)[16] compiles "a play sequence (S)[19]", "wherein the selection means (20)[16] access a user profile (P) with selection criteria"

from user interface [17] (**Hufford, col. 2 line 35 to col. 3 line 9**) .Fig. 2 of Hufford presents "determine a content evaluation number for contents (A . . . I)"is compiled by [16] in encoding table [26] "from matching the associated additional data with the selection criteria" [ aesthetic criteria], "is determined for play sequences (S)[19] composed of available contents (A . . . I)[36] by the user, the content evaluation numbers of the contents (A . . . I) [36] arranged by compatible block [34] therein are taken into account when determining the sequence evaluation number, and the play sequence (S)[19] is selected in accordance with its compatible list [34]". (**Hufford, Figs. 3A-3B, 4, col. 3 lines 9-67**)

However, Hufford fails to disclose "a sequence evaluation number is determined for play sequences (S) composed of available contents (A . . . I)".

In an analogous art directed toward a similar problem namely improving the results from a sequence evaluation number. Fig. 7 of Marsh illustrates "a sequence evaluation number is determined" by [616] based on user's profile [606] and content files [618] "for play sequences (S) composed of available contents (A . . . I)".(**Marsh, ¶0129,¶0141**). Accordingly, it would have been obvious to someone having ordinary skill in the art at the time of the invention was made to modify the audio sequence generator 10 of Hufford with a recommendation score as taught by Marsh to evaluate the media contents for playing sequence or recording into memory for future use.

**Regarding claim 2.** A system as claimed in claim 1, Marsh also teaches “wherein correlation values between the contents (A . . . I) are taken into account when determining the sequence evaluation number (Marsh, ¶¶0139, ¶0140 and ¶0186).

**Regarding claim 3.** A system as claimed in claim 2, Marsh also teaches “wherein the sequence evaluation number is decreased when there is a negative correlation value [0-50% range] between two contents (A . . . I) and the sequence evaluation number is increased when there is a positive correlation value [above 60% range] between two contents (A . . . I) (Marsh, ¶¶0141 and ¶0186).

**Regarding claim 4.** A system as claimed in claim, Fig. 7 of Marsh explicitly shows “wherein rules for determining correlation values between contents are indicated in the user profile (P) [606], and the indicated rules are taken into account when determining the sequence evaluation number (Marsh, ¶0129).

**Regarding claim 5.** A system as claimed in claim 1, Marsh also teaches “wherein the sequence evaluation number is determined as a weighted sum of content evaluation numbers” (Marsh, ¶¶0117, ¶0125).

**Regarding claim 6.** A system as claimed in claim 1, Figs. 2, 4 and 5 of Hufford also discloses “wherein a predetermined duration (T) [30] of the play sequence (S) [19] and the play duration of the contents (A . . . I) are taken into account when determining the sequence evaluation number. (Hufford, Figs. 2, 4, col. 3 line 42- col. 5 line5)

**Regarding claim 7.** A system as claimed in claim 1, Hufford teaches “wherein the additional data comprise costs incurred when requesting the corresponding contents (A . . . I)”. (**Hufford, col. 1 lines 20-30**)

**Regarding claim 8.** A system as claimed in claim 1, Marsh also teaches “wherein the additional data comprise keywords to the content of the corresponding contents (A . . . I)”. (**Marsh, ¶0126**).

**Regarding claim 9.** A system as claimed in claim 1, Fig. 1 of Hufford shows “wherein the selection means [10] comprises (one computer” (20) [PC 12] with a program for realizing the selection function” (**Hufford, col. 2 lines 48-59**).

**Regarding claim 10:** the same limitation of claim 1, so claim 10 has the same ground rejection of claim 1 (see discussion in claim 1)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./

Examiner, Art Unit 2623

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623